

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
SOUTHEASTERN DIVISION**

GARY DEE BICE,

Plaintiff,

v.

CARON BIRCH,

Defendant.

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No. 1:16CV111 SNLJ

MEMORANDUM AND ORDER

This matter is before the Court upon the motion of Gary Dee Bice, an inmate at Southeast Correctional Center (“SECC”), for an extension of time to respond to the Court’s order to file an amended complaint in this action. Plaintiff seeks an extension until August 1, 2016 to file his amended complaint, stating that he needs the additional time to “collect and review” his medical records.”

On June 1, 2016, the Court noted that plaintiff had “three strikes” under 28 U.S.C. § 1915(g), thus he may only proceed in forma pauperis in this Court if his allegations demonstrate that at the time of the filing of the complaint, or amended complaint, he is in imminent danger of serious physical injury. As a review, to show imminent danger, a complaint must contain “specific fact allegations of ongoing serious physical injury, or of a pattern of misconduct evidencing the likelihood of imminent serious physical injury.” *Martin v. Shelton*, 319 F.3d 1048, 1050 (8th Cir. 2003).

Although past medical records are not always necessary to show imminent danger of serious physical injury, they can be used to show a pattern of misconduct evidencing the likelihood

of imminent serious physical injury. Therefore, the Court will grant plaintiff's request for the additional time to gather his medical records.

Accordingly,

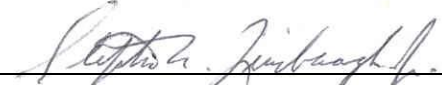
IT IS HEREBY ORDERED that plaintiff's request for an extension of time to file an amended complaint [Doc. #5] is **GRANTED**.

IT IS FURTHER ORDERED plaintiff's amended complaint shall be filed no later than August 1, 2016.

IT IS FURTHER ORDERED that no later than August 1, 2016, plaintiff must also provide the Court with a certified inmate account statement.

IT IS FURTHER ORDERED that upon submission of the amended complaint and the certified account statement, the Court shall again review this action pursuant to 28 U.S.C. § 1915.

Dated this 30th day of June, 2016.



STEPHEN N. LIMBAUGH, JR.
UNITED STATES DISTRICT JUDGE